IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1265 of 2007()

SC.457/2006 of II ADDL.SUB COURT,TRIVANDRUM
CP.25/2003 of J.M.F.C.-III,TRIVANDRUM

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PETITIONERS :

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1. SANTHOSH,S.P., RESIDING AT ROSE COTTAGE, PETTACH THIRUVANANTHAPURAM

2. MANU.V., S/O. P.VIJAYAKUMARAN NAIR, PERMANENTLY RESIDING AT "NILAVU", T.C. 37/2024, FORT P.O., THIRUVANANTHAPURAM

3. SHAHI, RESIDING AT MOHAMMED MANZIL, NEAR HIGH SCHOOL PEYAD, VILAPPIL VILLAGE, THIRUVANANTHAPURAM

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.RAM MOHAN.G.
SRI.G.P.SHINOD

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR AT HIGH COURT OF KERALA, ERNAKULAM

2. THE CIRCLE INSPECTOR OF POLICE, CANTONMENT CIRCLE, THIRUVANANTHAPURAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-2-2007 , THE COURT ON 26/02/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1265 of 2007

DATED: 26th February 2007

O R D E R

Petitioners who are accused Nos. 2, 6 and 7 in Crime No. 219/01 of Cantonment Police Station for offences punishable under Sections143, 145, 147, 148, 332 and 506 (ii) read with Sec. 149 I.P.C. and Sections 3 and 4 of the Explosive Substances Act, 1908 and Sec. 3 (2) of the Prevention of Damages to Public Property Act, seek anticipatory bail.

2. According the petitioners, they were enlarged on bail during crime stage as also during committal stage and non-bailable warrants of arrest are pending against them from the Addl. Assistant Sessions Court, Thiruvananthapuram in S.C. 457/06 even without serving summons on the petitioners.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time, if no summons have been issued on the petitioners , that is a ground which the petitioners can very well put forward before the trial court and seek regular bail after surrendering

before that court. Accordingly, if the petitioners surrender before the trial court and file an application for regular bail within two weeks, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the grievance of the petitioners that they were not served with any summons in the case before the issue of arrest warrants against them. Until such consideration, the warrants, if any, issued against the petitioners shall not be executed.

With the above observation this application is disposed of.

Sd/- V.RAMKUMAR,
JUDGE.

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